



## BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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May 31, 2017

RE: Board Enforcement Case No. 2017-01-030/Henning

The Board of Professional Engineers, Land Surveyors, and Geologists has reviewed the complaint you filed against Edward Henning, C 26549 alleging Mr. Henning made numerous false and contradictory statements, omissions, mistakes, and may have committed fraud in his preparation of the Venice Beach Business Improvement District Assessment Engineer's Report.

The Board for Professional Engineers, Land Surveyors, and Geologists Enforcement Unit is charged with the authority to enforce the Professional Engineers Act, Professional Land Surveyors Act, and the Geologist and Geophysicist Act. As such, we investigate complaints against professional engineers, land surveyors, geologist/geophysicists related to their practice of professional engineering services and also investigate unlicensed individuals for the practicing without legal authorization in these referenced disciplines, pursuant to California statute.

Mr. Henning is a licensed civil engineer and thus is licensed to practice civil engineering in California pursuant to the Professional Engineers Act. The "Act" defines the practice of civil engineering to include the definitions found in the Professional Engineers Act, Business and Professions Code section 6731.

In regards to your complaint, Article XIII D of the California Constitution (Proposition 218) does require that a detailed engineering report be prepared by a "Professional Engineer" licensed by this Board to support the special property related fees and assessments, but just because Proposition 218 requires the assessment report be prepared by a licensed professional engineer, it does not mean that the assessment is the practice of civil engineering, as defined in Business and Professions Code section 6731. The Board Enforcement Unit can only investigate Mr. Henning's civil engineering work, as defined in Business and Professions Code section 6731.

Historically, our Board has deemed these "tax assessment" reports not civil engineering work as defined by Business and Professions Code section 6731, but rather reports that contain simple math computations.

Article XIII D contains provisions outlining the process that property owners are to use if they wish to appeal the assessments, including the information contained in the engineering report. These provisions do not give any authority to this Board to determine whether or not the reports

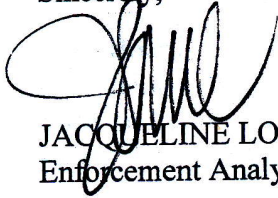
are valid or should be used to determine the assessments. Therefore, it is not within the Board's authority to investigate the validity of the engineering reports or how they are used in making the assessments.

Absent the practice of civil engineering, as defined in Business and Professions Code section 6731, this Board has no authority over the work prepared by Mr. Henning as shown in the Venice Business Improvement District Assessment report.

As a result, we have closed this case.

If you have further questions, you may contact me at 916.263-2253 or at Jackie.Lowe@dca.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'JLowe', is written over the typed name and title.

JACQUELINE LOWE  
Enforcement Analyst